

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: D/15/23

WHEREAS a question has arisen as to whether the erection of replacement fencing to enclose the site at Long Island, Schull, County Cork is or is not development or is or is not exempted development,

AND WHEREAS Albert Manifold care of McCutcheon Halley of Kreston House, Arran Court, Arran Quay, Dublin requested a declaration on the said question from Cork County Council and the Council issued a declaration on the 26th day of May, 2023 stating that the matter is development and is not exempted development,

AND WHEREAS Albert Manifold care of McCutcheon Halley referred the declaration for review to An Bord Pleanála on the 20th day of June, 2023,

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

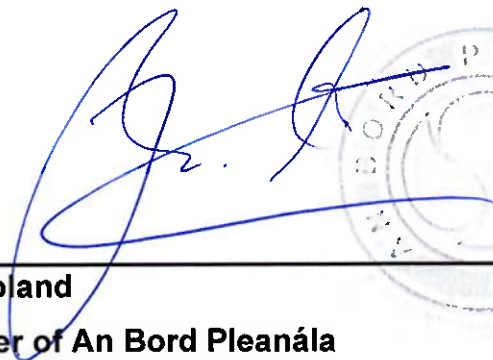
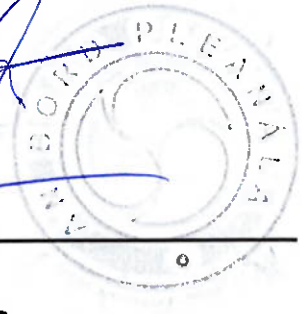
- (a) Sections 2(1), 3(1) and 4 of the Planning and Development Act 2000, as amended,
- (b) Articles 6(3) and 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) Class 4 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (e) the location of the development within a designated High Value Landscape area under the Cork County Development Plan 2022-2028,
- (f) the location of the development within the Roaringwater Bay and Islands Special Area of Conservation (Site Code: 000101), where the habitat European dry heath [4030] is a Qualifying Interest and the conservation objective is to maintain the favourable conservation condition of this habitat, and
- (g) the submissions of the parties to the referral,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the erection of replacement fencing to enclose the site constitutes development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000, as amended,

- (b) the development, by itself and in combination with other plans and projects, would have likely resulted in a significant effect on the Roaringwater Bay and Islands Special Area of Conservation (Site Code: 000101) in view of the Site's Conservation Objectives. Therefore, the development is subject to an Appropriate Assessment and cannot be considered exempted development under Section 4(4) of the Planning and Development Act 2000, as amended,
- (c) the development comes within the scope of Class 4 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) the development complies with the conditions and limitations of Class 4 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and
- (e) the development comes within the restriction on exemption in Article 9(1)(a)(viiB) of the Planning and Development Regulations 2001, as amended,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the erection of replacement fencing to enclose the site at Long Island, Schull, County Cork is development and is not exempted development.

Joe Boland
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this *7TH* day of *May* 2024.